

UNITED STATES DISTRICT COURT

for the
District of North Dakota

United States of America

v.

James Russell Windy Boy

Defendant

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Case No. 1:18-cr-123

ORDER SETTING CONDITIONS OF RELEASE

IT IS ORDERED that the defendant's release is subject to these conditions:

- (1) The defendant must not violate federal, state, tribal, or local law while on release.
- (2) The defendant must advise the Office of Probation and Pretrial Services and defense counsel in writing before making any change in address or telephone number.
- (3) The defendant must appear in court as required and must surrender to serve any sentence imposed.

The defendant must appear at: _____

*(If blank, to be notified)**Place*

on _____

Date and Time

- (4) The defendant must sign an Appearance Bond, if ordered.

Additional Conditions of Release

Upon finding that release by one of the above methods will not by itself reasonably assure the appearance of the defendant and the safety of other persons and the community, IT IS FURTHER ORDERED that the release of the defendant is subject to **the conditions set forth below:**

(5) Immediately upon release, Defendant shall report to the United States Probation Office in Minot, North Dakota.

(6) All previously-imposed conditions remain in effect. See Doc. No. 116.

(7) Defendant shall reside at the residence of his mother, Blanca Windy Boy, at 3689 97th Ave NW BIA Route 2, in New Town North Dakota, 58763.

(8) Defendant shall participate in a home confinement program. The home confinement program will not include electronic monitoring.

Defendant is restricted to his residence at all times except for employment; education; religious services; medical, substance abuse, or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities as pre-approved by the officer (Home Detention).

(9) Defendant shall enroll in local substance abuse treatment immediately upon release.

Advice of Penalties and Sanctions

TO THE DEFENDANT:

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

A violation of any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of release, an order of detention, and a prosecution for contempt of court and could result in a term of imprisonment, a fine, or both.

The commission of a Federal offense while on pretrial release will result in an additional sentence of a term of imprisonment of not more than ten years, if the offense is a felony; or a term of imprisonment of not more than one year, if the offense is a misdemeanor. This sentence shall be in addition to any other sentence.

Federal law makes it a crime punishable by up to 10 years of imprisonment, and a \$250,000 fine or both to obstruct a criminal investigation. It is a crime punishable by up to ten years of imprisonment, and a \$250,000 fine or both to tamper with a witness, victim or informant; to retaliate or attempt to retaliate against a witness, victim or informant; or to intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

If after release, you knowingly fail to appear as required by the conditions of release, or to surrender for the service of sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more, you shall be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years, you shall be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony, you shall be fined not more than \$250,000 or imprisoned not more than two years, or both;
- (4) a misdemeanor, you shall be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender shall be in addition to the sentence for any other offense. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

Directions to United States Marshal

- () The defendant is ORDERED released after processing.
- () The United States marshal is ORDERED to keep the defendant in custody until notified by the clerk or judge that the defendant has posted bond and/or complied with all other conditions for release. The defendant shall be produced before the appropriate judge at the time and place specified, if still in custody.
- (✓) **Other:** Defendant shall be released to his mother, Blanca Windy Boy, upon her arrival at the jail, subject to the conditions set forth above.

Date: 3/25/2021


Clare R. Hochhalter, Magistrate Judge